

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS,
MADELINE KRASNO, and RYAN
HARTKOPF,

Appellants,

v.

LAWRENCE A. TABAK, in his
official capacity as Acting Director of
the National Institutes of Health, and
XAVIER BECERRA, in his official
capacity as Secretary of the U.S.
Department of Health and Human
Services,

Appellees.

Case No. 23-5110

APPELLANTS' STATEMENT OF ISSUES

Pursuant to this Court's order dated May 16, 2023, Appellants present the following issue on appeal:

Whether the district court erred in ruling that the National Institutes of Health ("NIH") does not violate the First Amendment when it uses keyword blocking to prevent comments critical of the NIH's involvement in animal testing from appearing publicly on the NIH's Facebook page and Instagram account.

Dated: June 15, 2023

Respectfully submitted,

/s/ Stephanie Krent

Stephanie Krent
Alexia Ramirez
Katherine Fallow
Jameel Jaffer
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
stephanie.krent@knightcolumbia.org

Counsel for Appellants

/s/ Christopher A. Berry

Christopher A. Berry
Animal Legal Defense Fund
525 E. Cotati Ave.
Cotati, CA 94931
(707) 795-2533 ext. 1041
cberry@aldf.org

Caitlin M. Foley
Animal Legal Defense Fund
150 South Wacker Drive, Suite 2400
Chicago, IL 60606
(707) 795-2533 ext. 1043
cfoley@aldf.org

*Counsel for Appellants Madeline
Krasno and Ryan Hartkopf*

Asher Smith
Jeffrey Stein
People for the Ethical Treatment of
Animals, Inc.
1536 16th Street NW
Washington, DC 20036

(202) 483-7382
AsherS@petaf.org

*Counsel for Appellant People for the
Ethical Treatment of Animals, Inc.*